

Appl. No. 09/483,315
Amdt. date September 21, 2005
Reply to Office action of April 22, 2005

REMARKS/ARGUMENTS

Applicants wish to thank the Examiner for extending the courtesy of an interview on August 24, 2005. During the interview U.S. Patent 5,864,681 to Proctor et al., U.S. Patent 6,298,370 to Tang et al. and U.S. Patent 6,810,035 to Knuutila et al. and claim 76 were discussed. No agreement was reached with respect to the patentability of any of the claims. Applicants also wish to thank the Examiner for extending the courtesy of a brief follow up discussion on August 31, 2005, when claim 76 was again discussed and no agreement was reached with respect to the patentability of the claims.

Claims 76 and 78-100 are pending in this application, of which claims 76, 85 and 96 are independent claims. Claims 76, 77, 82, 85, 91, 94 and 96 have been amended. Claims 82, 91 and 94 have been amended for clarity and not for reasons related to patentability. Claims 97-100 have been added. The amendments add no new matter and find full support in the application as originally filed. In view of the following remarks, Applicants respectfully request reconsideration and withdrawal of the rejections of claims 76 and 78-96, and allowance of claims 76 and 78-96. Further, Applicants respectfully request consideration on the merits and allowance of claims 97-100.

Rejections Under 35 U.S.C. § 103(a)

Claims 76 and 78-96 are rejected under 35 U.S.C. § 103(a) as unpatentable over U.S. Patent No. 6,600,734 B1 ("the Gernert et al. patent") in view of U.S. Patent No. 6,810,035 B1 ("the Knuutila et al. patent"). Applicants respectfully traverse these rejections.

Applicants respectfully assert that the Knuutila et al. patent is not prior art to Applicant's application. The Knuutila et al. patent was filed on January 7, 2000 claiming priority from a Finnish application filed on January 11, 1999. Applicant's application was filed on January 14, 2000 claiming priority to U.S. Provisional Application No. 60/115,993 filed on January 15, 1999. Pursuant to 35 U.S.C. § 102(e), which is the basis on which Applicant assumes that the Office Action asserts the Knuutila et al. patent as prior art, the Knuutila et al. patent does not

receive the prior art effect, from the Finnish patent because the Finnish patent predates November 29, 2000, the date that the new 102(e) law came into effect and the Finnish application did not meet the requirements to receive prior art effect under the prior version of 102(e). Accordingly, the Knuutila et al. patent is not prior art to Applicant's application as the U.S. filing date for the Knuutila et al. patent is January 7, 2000, which is later than the filing date for the U.S. Provisional Application 60/115,993 to which Applicant claims priority.

Notwithstanding the Knuutila et al. patent is not prior art to Applicant's application, the Gernert et al. patent and the Knuutila et al. patent, neither alone nor in combination, render the claimed invention in claims 76 and 78-96 unpatentable.

Independent Claims 76, 85 and 96

On page two, the Office Action points to column 7, lines 14-24 of the Gernert et al. patent to support the assertion that the patent teaches a video input configured to receive real-time video information and a video output configured to provide real-time video information. Applicants respectfully submit that column 7, lines 14-24 of the Gernert et al. patent merely teach that the mobile units 15 in the network may be video cameras. Applicants are unable to locate a teaching within the Gernert et al. of a "mobile access unit . . . comprising: a video input configured to receive real-time video information . . . [**and**] a video output configured to provide real-time video information" (emphasis added). In addition, the Gernert et al. patent does not teach the following limitations of independent claim 96:

A mobile access unit for use in a localized communications system, comprising:
 means for capturing real-time video;
 means for encoding the captured real-time video;
 means for multiplexing the encoded real-time video with other data to form
a data stream;
 means for transmitting the data stream;
 means for simultaneously receiving a second data stream including encoded
real-time video;
 means for decoding the encoded real-time video; and
 wearable means for displaying the decoded real-time video..

On page three, the Office Action states that the Gernert et al. patent does not teach a codec connected to the video input and video output. Applicant agrees. Also, on page three, the Office Action points to column 12, lines 25-50 of the Knuutila et al. patent to support the assertion that the Knuutila et al. patent teaches "a wireless terminal that communicates in a multimedia connection in real time service including a video codec, encoding/decoding audio information, multiplexer/demultiplexer video-audio in real time." The Knuutila et al. patent teaches that:

The transceiver 204 is capable of communicating both circuit-switched information with the data adapter 209 in the real time channel block 202 and packet-switched information with the SMS and packet protocol blocks of the non-real time channel block 203. In FIG. 2 it has been assumed that the transceiver is an HSCSD/GPRS GSM transceiver of Class A, which means that it supports simultaneous GPRS and HSCSD bearers.
(Col. 6, lines 4-11).

The Knuutila et al. patent does not teach a codec configured to "encode real-time video information received from the video input; and multiplex the encoded real-time video with other data to generate the data stream provided by the codec to the transmitter" as claimed in independent claims 76 and 85. Nor does the Knuutila et al. patent teach the "means for multiplexing the encoded real-time video with other data to form a data stream" claimed in amended independent claim 96.

Based upon the above discussion, Applicants respectfully submit that neither the Gernert et al. patent nor the Knuutila et al. patent, alone nor in combination, teach or suggest all the claim limitations of claims 76, 85 and 96. Accordingly, Applicants request reconsideration and withdrawal of the rejection of claims 76, 85 and 96.

Dependent Claims 78-84 and 86-95

Claims 78-84 directly or indirectly depend from claim 76 and claims 86-95 directly or indirectly depend from claim 85. As such, claims 78-84 and claims 86-95 are therefore

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allowable for at least the reasons provided above for claims 76 and 85, respectively without regard to further patentable limitations contained therein because neither the Gernert et al. patent nor the Knuutila et al. patent, alone nor in combination, teach or suggest all the claim limitations of claims 78-84 and 86-95. Accordingly, applicant respectfully requests reconsideration and withdrawal of the rejection of claims 78-84 and 86-95.

Conclusion

In view of the above amendments and remarks, Applicants respectfully submit that claims 76 and 78-100 are in condition for allowance, and a timely indication of allowance is respectfully requested. If there are any remaining issues that can be addressed by telephone, Applicant invites the Examiner to contact the undersigned at the number indicated.

Respectfully submitted,

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By



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DDR/DJB/llb
Enclosures

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